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Attorney for: Credit Acceptance Corporation
JM-5630_____

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:)	
)	Case No. 21-19337(ABA)
)	
MACKENZIE E. LUTZ)	Chapter 13
)	
)	Hearing Date: 2-9-22
)	
)	
)	
)	<u>OBJECTION TO CONFIRMATION</u>

Credit Acceptance Corporation ("Credit Acceptance" or "CAC"), a secured creditor of the Debtor, objects to the Debtor's plan for the following reasons:

a. 910 CLAIM; PLAN PAYS NO INTEREST OR ADEQUATE PROTECTION:

The vehicle in this matter (a 2008 HUMMER H3) was purchased by the debtor on 5-29-20, less than 910 days prior to filing. The plan pays Credit Acceptance no interest or adequate protection payments. The plan should be amended to pay Credit Acceptance the net loan balance at filing of \$5212.84 with interest at 5.25%. The trustee should compute interest. If interest was

pre-computed, the trustee would pay CAC \$5754.16 over 45 months.

- b. **Adequate protection payments:** The plan should be modified to pay CAC adequate protection payments of \$104 a month beginning in JANUARY of 2022 (being 2% of the net loan balance). Adequate protection payments must be given super priority administrative expense status, paid ahead of attorney fees and continue after confirmation until regular distributions begin to be made to CAC.
- c. **Proof of insurance:** The vehicle must be insured with comprehensive and collision insurance coverage and liability coverage in accordance with the requirements contained in the contract. Credit Acceptance Auto Finance must be listed as loss payee or additional insured. **The Debtor must provide Credit Acceptance with proof that the vehicle is insured in accordance with §1326(a)(4) and this portion of the objection to confirmation should be considered a demand that the Debtor provide proof of insurance.**
- d. Credit Acceptance must retain its lien on the vehicle following confirmation, until it is paid in full through the plan, the plan is completed by the debtor and the debtor receives a discharge.

e. **Order of distributions:** The order of distributions must be changes to account for the priority of adequate protection payments to Credit Acceptance.

/s/ John R. Morton, Jr.
John R. Morton, Jr., attorney for
Credit Acceptance Corporation

Dated: 1-5-22